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In re Application of:  
RAJU, G. Ganga : CORRECTED DECISION ON  
U.S. Application No.: 09/463,024 : PETITION TO REVIVE  
PCT No.: PCT/US98/14481 : ABANDONED  
International Filing Date: 13 July 1998 : APPLICATION UNDER 37  
Priority Date: 14 July 1997 : CFR 1.137(b)  
Attorney's Docket No.:P00182US1 :  
For: HYDROXYCITRIC ACID COMPOSITIONS ... :  
USED IN REDUCING BODY WEIGHT :  
:

In a decision issued by this Office on 17 April 2002, applicant's petition to revive the applicant under 37 CFR 1.137(b) was granted. However, at the time the decision was issued, applicants had not submitted the full amount of the required small entity basic national fee.<sup>1</sup> Payment of this fee was part of the "required reply" necessary for a grantable petition under 37 CFR 1.137(b). Because applicants had not satisfied all the requirements for a grantable petition, the granting of applicant's petition to revive was in error. The decision mailed 17 April 2002 granting such petition is therefore appropriately **VACATED**. In addition, the Notification Of Acceptance (Form PCT/DO/EO/903) mailed 22 May 2002 and the filing receipt, both of which were issued based on the vacated 17 April 2002 decision, are also appropriately **VACATED**.

On 15 June 2004, applicant filed a submission that included an additional \$317 fee payment. This payment, in combination with the previously submitted \$48, brings applicant's total basic national fee payment to the required \$365. In addition, on 09 July 2004, applicant submitted a statement that the "entire delay in paying the basic national fee from the due date for the required payment until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Based on these submissions, applicant has now satisfied all the requirements for a grantable petition (applicant has previously submitted the petition fee, the statement required by 37 CFR 1.137(b)(3) with respect to the decalaration, an executed declaration in compliance with 37 CFR 1.497, the surcharge for filing the declaration later than thirty months after the priority date, and necessary claims fees).

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<sup>1</sup> Applicants had submitted \$48 as the small entity basic national fee under 37 CFR 1.492(a)(4). However, this fee is only applicable in applications where the IPER states that all claims satisfy the provisions of PCT Article 33(2)-(4). This is not the case here. Under the circumstances of the present application, the proper small entity basic national is the fee set forth in 37 CFR 1.492(a)(1), currently \$365.

Based on the above, applicant's petition to revive the application under 37 CFR 1.137(b) is now appropriately **GRANTED**.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision, including the issuance of a corrected Notification Of Acceptance (Form PCT/DO/EO/903) and filing receipt. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is **15 June 2004**.



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